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Atty. Dkt. No. 016778-0498

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Naoki KOBAYASHI et al.
Title: PORTABLE TELEPHONE
Appl. No.: 10/540,573
International Filing Date: 12/25/2003
371(c) Date: 6/24/2005
Examiner: Wen Wu Huang
Art Unit: 2618
Confirmation Number: 6434

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Chinese application. A partial English translation of the Chinese Office Action of September 19, 2008, follows:

Although claim 1 is claiming protection of cellular phone, cited reference 1 (CN1302143A) discloses a flip phone having a upper body with a screen panel providing an antenna and a lower body with keyboard (see details for specification page 2 line 1 from the bottom to over page 3, line 8, Figure 1(a)). Characteristics of claim 1 distinguished from cited reference 1 are 1) cited reference does not disclose a upper body having a speaker, 2) antenna in claim 1 having a dielectric body on either rear or front side. From this point, it is determined that problems to be solved in claim 1 are to focus on antenna radiation on either side. First, all cellular phones have a speaker, and it is obvious for one of ordinary skill in the art to position a speaker in a cellular phone. Next, cited reference 2 (Small Electronic Antenna) teaches in Chapter 5 No 5-1 that horizontal radiation characteristic of monopole antenna can be changed by covering outer surface of an antenna having media and/or a monopole antenna with single layer media cover. From this point, it can be assured without any indirect doubt that media later can affect monopole antenna's horizontal radiation characteristics. One of ordinary skill in the art can easily imagine to position a media by monopole antenna side in order to focus on radiation from antenna to media layer side. Therefore, it is obvious for one of ordinary skill in the art to acquire technology from publically and common knowledge based on combination of cited reference 1 and 2 to install an antenna on upper body of cellular phone as in claim 1. Also, it is obvious and well know technology to locate an antenna on bottom end of lower body. Therefore, novelties can not be

found in technology in claim 1 by lacking any significant substantial characteristics and significant advancement.

Document D1 is a Canadian counterpart (in the English language) of Document D2 (CN 1302143A).

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Chinese application. An translation of the foreign-language document is not readily available; however, the absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP §609). An English language abstract is attached.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date: November 13, 2008

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